



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, May 7, 2008**

***5:00 p.m. STUDY SESSION***

***Capital Improvement Program***

***ROOM LOCATION T-1654***

**6:30 p.m. Regular Meeting**

**Council Chambers**

First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair**

**Randi Kinman, Vice-Chair**

**Xavier Campos**

**Lisa Jensen**

**Matt Kamkar**

**Christopher Platten**

**Jim Zito**

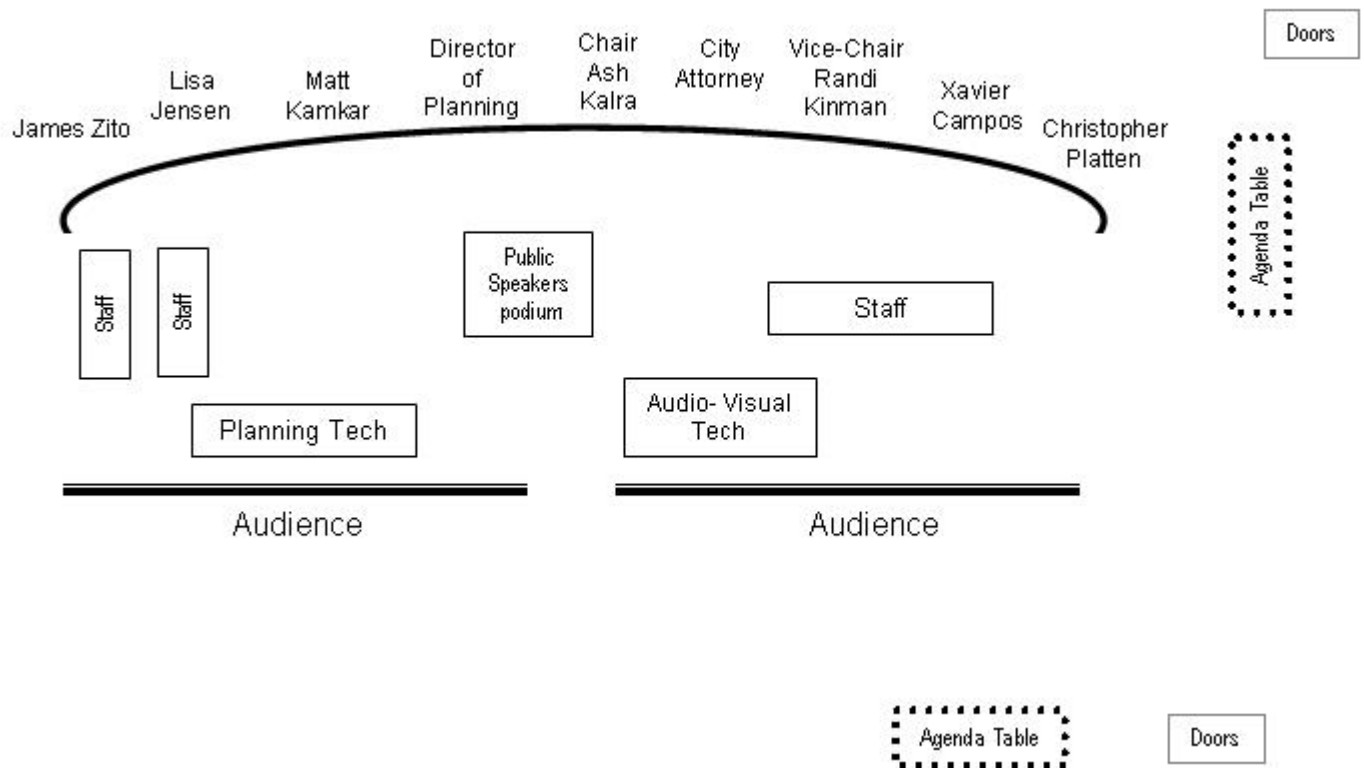
**Joseph Horwedel, Director**

**Planning, Building and Code Enforcement**

### **NOTE**

To listen to the audio recording of the planning Commission, please go to the Planning website at: [http://sanJosé.granicus.com/ViewPublisher.php?view\\_id=17](http://sanJosé.granicus.com/ViewPublisher.php?view_id=17)

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoséca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoséca.gov/planning/hearings/planning_com.asp).

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If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agendized items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **ORDINANCE AMENDMENT**. An ordinance of the City of San José amending title 20 of the San José Municipal Code, the zoning code, to add section 20.30.530 to provide a height exception for solar photovoltaic power generation systems mounted on the surface of an accessory building or structure, and to amend sections 20.20.100, 20.30.100, 20.30.500, 20.40.010, 20.50.010, 20.70.100, 20.100.500, 20.100.610, and 20.100.1030, and amend section 13.48.510 of chapter 13.48, of the San José Municipal Code, Historic Preservation, all to clarify that a building permit may be issued for installation of solar photovoltaic power generation systems that conform to all of the development standards of the zoning district in which they are located. CEQA: Exempt, PP08-053. *PROJECT MANAGER, S.DO*

**DEFERRED TO 05/14/2008 (6-0-1; CAMPOS ABSENT)**

- c. **CP07-101**. Conditional use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Bascom Avenue and Surrey Place (2517 S. Bascom Ave)(Lena Basso Trustee & et al, Owner; Sunrise Senior Living, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 04/21/08. *PROJECT MANAGER, M.DAVIS*

**DEFERRED TO 05/14/2008 (6-0-1; CAMPOS ABSENT)**

- d. **PDC07-072**. Planned Development Rezoning for a Master Plan for the Bellarmine College Preparatory Campus. The project includes demolition of about 47,000 square feet of existing buildings and the new construction of 135,884 square feet resulting in 272,578 square feet (total) on an existing private high school on an approximately 30.05 gross acre site located in the area generally bounded by W. Hedding Street, Caltrain right-of-way, Stockton Avenue, Emory Street and Elm Street (960 W. Hedding Street)(Bellarmine College Preparatory, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

**DEFERRED TO 05/14/2008 (6-0-1; CAMPOS ABSENT)**

- e. **PDC07-017**. Planned Development Prezoning to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site located on the west side on Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue (James & Tina Jean, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Deferred from 3/26/08, 4/21/08. *PROJECT MANAGER, B.ROTH*

**DEFERRED TO 06/11/2008 (6-0-1; CAMPOS ABSENT)**

May 7, 2008

Page 3 of 13

### 3. CONSENT CALENDAR

- a. EASEMENT VACATION. The vacation of an easement (building setback line) on a property located at the southwest corner of Bascom Avenue and Surrey Place. Council District 9. CEQA: Exempt. *PROJECT MANAGER, M.DAVIS*

**RECOMMENDED APPROVAL (6-0-1; CAMPOS ABSENT)**

- b. ST07-003. Street renaming for the southern extension of Peregrino Way to Peregrino Drive, located at the southerly extension of Peregrino Way to approximately 350 feet northerly of Dry Creek Road (David Warda, Applicant). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, M.DAVIS*

**RECOMMENDED APPROVAL (6-0-1; CAMPOS ABSENT)**

**The following items are considered individually.**

### 4. PUBLIC HEARINGS

- a. CITY'S PROPOSED 2009-2013 CAPITAL IMPROVEMENT PROGRAM. Approval of the Planning Commission's report to the City Council transmitting comments and recommending adoption of the Proposed 2009-2013 Capital Improvement Program (CIP). *PROJECT MANAGER, M.BILLS*

**RECOMMENDED APROVAL (7-0-0)**

*Commissioner Platten moved to recommend to the City Council adoption of the Proposed 2009-2013 CIP. Staff gave a brief overview of purpose for review of CIP by the Planning Commission. Staff also relayed information on discussion of CIP that took place at Study Session that occurred before the meeting.*

*Commissioner Platten praised staff for getting CIP to Commission in good amount of time. There were no public comments during the hearing. Commissioner Platten made a motion to recommend approval of the CIP, and to forward the following comments to the City Council relative to specific items referenced in the City Manager's 2008-2009 Budget Message:*

1. *Capital Budget Implementation Shortfall* (page 1): the 2008-2009 Proposed Capital Budget is \$730.7 million, and after rebudgeting is expected to top the \$1 billion level. The Commission requests clarification as to: (a) why over \$250 million in construction work that was funded didn't take place; (b) if any overhead charges were applied to that budget but not spent on actual construction; and, (c) how this shortfall is distributed across the 14 Capital Programs that make up the majority of these projects.
2. *Green Building Implementation* (page 4): the City Council should review the LEED certification program, and consider replacing it instead with a requirement to incorporate green building elements that meet LEED certification levels in construction project agreements, in place of funding the additional paperwork costs of acquiring the certification. At the study session, the Commission suggested that money would be better utilized in upgrading and improving green building elements in projects for which capital funds are expended.

3. *Unmet Infrastructure/Maintenance Needs* (page 5): the Commission asks that the City Council be clear in identifying whether the one-time backlog of approximately \$900 million is part of the “structural deficit”, as that term has been used and especially as it has been presented to the Council committee working on this issue.
4. *Unmet Infrastructure/Maintenance Needs* (page 6): the Commission comments that the additional one-time General Fund funding of \$5 million, proposed to be allocated to a deferred maintenance reserve as part of the 2008-2009 Proposed Operating Budget, raises a question about the validity of the \$900 million backlog figure and leaves a “credibility gap” on the degree of the unmet need given an apparent lack of public outcry on this issue.
5. *Capital Program by City Service Area* (page 8): the Commission notes that the Environmental and Utility Services fund is growing, and questions whether this increase has been independently justified or whether more money is simply being placed into that particular fund.
6. *Water Pollution Control Plant Master Plan* (page 12): the Commission notes that the CIP proposes \$7.7 million be used to complete a study to provide the Plant with a phased program to accommodate planned growth and meet regulatory requirements. The Commission comments that this dollar figure seems large, and requests that the City Council request staff to provide further justification, so that it’s clear that an appropriate level of public review is being conducted.
7. *Bond Measure Projects Funding* (page 13): the Commission comments that, given bond funding audit requirements, the City should make clear the due diligence in the performance of these audits and verify that these audits are available for public review.
8. *Park Trust Fund* (page 15): the Commission recalls past criticism of the City for not spending Park Trust Fund monies as quickly as required by law or distributing them outside the geography that were required by the nexus of where the funds were generated. Accordingly, given the CIP statement that staff is “currently exploring options to allocate” \$26.9 million of unallocated PDO/PIO funds, the City Council should request some specificity as to how much of this money is designated for specific projects.
9. *Parking Capital Development Fund* (page 18): the Commission would like noted for the City Council that staff indicated at the CIP study session that the \$5.1 million deposit to the Parking Capital Development Fund in 2007-2008 was discretionary and could be reallocated for other purposes.
10. *Fees and Charges Revenue Estimates* (page III-2 of CIP summary): the Commission would like to commend staff for its conservative approach in preparation of revenue estimates that, according to information shared at the CIP study session, have been met or exceeded for the current fiscal year.
11. *Transfers from Other Funds* (page III-6 of CIP summary): based on information supplied by staff at the CIP study session, the Commission would like to note that transfers are primarily from one fund to another, and not from a different type of fund to another. Thus, in instances where fund encumbrances are initially projected but thereafter liquidated, the City Council can consider whether or not those funds may later become available for discretionary uses.

*Commissioner Zito congratulated staff on efforts.*

- b. **ORDINANCE AMENDMENT**. An ordinance of the City of San José amending title 20 of the San José Municipal Code, the zoning code, to amend section 20.40.520 to streamline requirements for outdoor uses in the commercial zoning districts; amend section 20.50.100 to allow performing arts rehearsal space with a conditional use permit in the IP district; apply the “cm” notation in table 20-110 to properties with the combined industrial commercial general plan designation, allow additional commercial uses in conjunction with large format commercial establishments, streamline permit requirements for data centers, and add tow yard as an enumerated use; amend section 20.50.115 to establish requirements for commercial uses associated with large format commercial establishments; amend section 20.50.120 to make additional provision for incidental retail sales in the industrial zoning districts; amend section 20.90.060 to reduce the parking requirement for data centers and performing arts rehearsal space, and establish parking requirements for tow yards and for large format commercial establishments, associated commercial; and add sections 20.200.265, 20.200.605, and 20.200.1278 to define data center, large format commercial establishment and vehicle tow yard; and to make other related clarifying changes and amendments. CEQA: Exempt, PP08-056. *PROJECT MANAGER, C.HAMILTON*

**RECOMMENDED APPROVAL (7-0-0)**

*Staff gave a brief report as to the purpose behind the proposed changes; streamlining and clarifying. Staff walked the Commission through the table of changes.*

*There were a few questions for clarifications from the Commission.*

*Three members of the public spoke in support of the ordinance specifically on the provision related to performance arts rehearsal space.*

*Commissioner Zito made a motion to recommend approval. He recommended to staff to continue to look for other groups that could benefit from an ordinance change similar to the one benefiting the arts organizations.*

- c. **PDC06-094**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site, located at the southwest corner of Cinnabar Street and Stockton Avenue (345 STOCKTON AV)(381 Stockton LLC, Owner; Morrison Park Homes LLC Bruce Fairty, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 04/21/08. *PROJECT MANAGER, L.MCMORROW*

**RECOMMENDED APPROVAL (5-2-0; KAMKAR & ZITO OPPOSED)**

*Staff made a clarification in the PC report related to the proposed parking reduction of 14% (not 13% as stated in report). Staff also gave a brief synopsis of community meeting held on April 23, 2008.*

*The applicant gave an overview of project and detailed its proximity to transit and downtown.*

*Six members from the public testified on the proposal. All speakers were generally not supportive of the parking reduction of 14%, but for some the 10% was reasonable. Others felt that the parking problem in the area should not be added to by allowing a reduction to parking for this project. A couple of the speakers indicated a desire to have park funds targeted to a specific neighborhood park. The speakers were generally supportive of the retention of the historic gas station but did not think the other building referred to as the Swenson building was historic and needed to be preserved or relocated. There were two speakers from the Fiesta*

*Lanes Action Group (FLAG) who indicated a 15-foot setback from single-family is inappropriate. They also stated that the PD process is flawed.*

*The applicant commented on how the project has responded to the historic issues related to the project and felt it was silly to have to preserve the Swenson building. The applicant also indicated intent to follow a "Green Initiative".*

*Commissioner Jensen commented on the Landmark Commissions position and why due to it staff was requiring the relocation of the Swenson Building. Staff explained that regardless of the Landmarks unwillingness to add the structure to the Historic Inventory, the building was identified as eligible for the California Register of Historic Places and retention, relocation per the Sec. of Interior Standards is mitigation, or an EIR would need to be done.*

*Commissioner Kamkar commented that the developer should take money saved from not requiring relocation of the Swenson Building and provide more parking. Commissioner Kinman suggested that the bicycle parking was severely under parked. Staff responded that the proposed development standards by staff included the standard requirement for bicycle parking.*

*Commissioner Campos made a motion to recommend approval per staff recommendation. He commented that this project is the poster project of for Transit Oriented Development.*

*Commissioner Jensen commented that she is supportive of the PDO fees to go towards the park the community, wants and was not supportive of preserving the Swenson Building. She encourages more parking and encouraged the neighborhood to request resident parking.*

*Commissioner Zito indicated that he still has a problem with the proposed parking reduction of 14% and asked the maker of the motion if he would accept a friendly amendment to modify the parking reduction to 10%. The maker of the motion declined the friendly amendment.*

*Commissioner Zito then moved an unfriendly amendment to reduce to 10%. The motion failed 3-4.*

*The Commission voted on the original motion to approve per recommendation by staff. This motion passed 5-2.*

- d. **PDC07-088**. Planned Development Rezoning from Agriculture zoning district to the A(PD) Planned Development Zoning District to allow 3 Single Family Residential units and up to 31 townhomes on a 2.99 gross acre site, located at/on the southwest corner of Murphy Ave and Oyama Dr (1254 MURPHY AV) (Oyama Wright Trustee, Owner). Council District 4. SNI: None. CEQA: Addendum to North San José EIR Resolution No. 72768. **PROJECT MANAGER, M.DAVIS**

#### **RECOMMENDED APPROVAL (7-0-0)**

*Staff made a brief presentation regarding the project noting one recommended change to the recommended Development Standards. Page two of the development standards sets a limit of 10,000 square feet of building area for the three single family detached residences, however this calculation erroneously did not include the garages, therefore staff is recommending it be amended to set a limit of 12,000 square feet of building area for the proposed single family residences. The revised development standards are attached to this memo.*

*Mr. Stan Gould, an architect for Green Valley Corporation, spoke on behalf of the applicants. Mr. Gould gave a brief history of the Oyama family, and stated that the purpose of this project.*

May 7, 2008

Page 7 of 13



*Commissioner Zito stated that the allowable density range for the site was 8-12 dwelling units to the acre, and asked Mr. Gould why the applicant was proposing a project at the maximum allowable density if their main objective was to construct three single family residences. Mr. Gould stated that the economics of the project required the density to be maximized on the site. Commissioner Zito stated that he was concerned about the amount of open space provided with the project, but that he would ask staff to respond to this issue.*

*Commissioner Kamkar asked the applicant to explain the parking proposed with the project. Mr. Gould described the amount of resident and visitor parking for each unit type. Commissioner Kamkar asked if any tandem parking spaces were proposed. Mr. Gould stated that each unit would have a two-car side-by-side garage.*

*A member of the public, Mr. Alan Fong, spoke regarding his concerns about the proposal. He stated that he had not received notification of the hearing, but that he was not sure if he lived within the 500' noticing radius of the project. He stated that traffic was congested on Oyama Drive, and he was concerned that this project would worsen the situation. He was also concerned about the parking impacts to the neighborhood.*

*The Commission closed the public hearing. Commissioner Zito stated that he was concerned about the lack of private open space for the project. He asked staff if the project was approved with a reduction in units would that allow more space for open space.*

*Staff replied that it would allow more area for common open space; however, the provision of additional private open space would be difficult given the constraints of the site. Staff explained that typically units of this product type provide private open space in the form of second floor balconies. This site is directly adjacent to Murphy Avenue, which creates a significant amount of noise, and is adjacent to single family residences; therefore, second floor balconies would have privacy and noise impacts. These constraints would make it difficult to provide usable private open space even if the unit count was reduced, which is why staff recommended a reduction in private open space from the Residential Design Guidelines.*

*Commissioner Zito stated that he understood the rationale for the reduction in private open space, but he was still concerned that the amount proposed with the project would not be adequate. He asked staff to confirm that a reduction in units would not result in additional private open space. Staff stated that to provide additional open space that was not impacted by noise the type of housing proposed would likely have to be changed. Staff noted that some units could accommodate second floor balconies, but given the noise levels they would be subject to, they would not be counted toward the minimum required private open space. Commissioner Zito state that he would not recommended the development standards require more private open space than staff recommended, but he would encourage staff to work with the applicant to increase the amount at the PD Permit stage.*

*Commissioner Kamkar noted that the site was currently fallow agriculture land, and asked staff to explain what type of stormwater retention measures were included with the project. Staff explained that a project of this size was not required to provide stormwater retention, but that the site was required to treat the stormwater so that it was clean before it left the site. The project proposed grassy swales to treat stormwater. Commissioner Kamkar stated that he recalled the threshold for stormwater retention measures was that the project created more than one acre of impervious surface. Staff stated that this was not the case, and that the threshold for requiring stormwater retention was that the site was over 20 acres in size. Commission Kamkar asked staff to confirm this with him after the hearing.*



*Commissioner Kinman made a motion to approve the project as recommended by staff. She noted that the project used a creative use of additional common open space in the center of the site where it would be shielded by noise to make up for the lack of private open space.*

*Chairman Kalra stated that he would support the motion, but he worried about the proposed density of the townhome portion of the project. He thought that 23-25 townhome units would be more appropriate for the site, and stated that at the PD Permit stage staff should revisit the proposed density of the site. He was concerned that in the future if the portion of the site currently designated for the Oyama family housing complex was no longer in use that it could be redeveloped at a similar density to the rest of the site.*

*Commissioner Zito stated that he was also concerned about the density of the townhome portion of the site, and he urged staff to look at a reduction in the number of units at the PD Permit stage. He stated that he did not entirely understand the economics of why the site had to be zoned for the maximum allowable density. Chairman Kalra stated that while the proposal conformed in letter to the density prescribed by the General Plan, it did not conform to the spirit of the density.*

*The motion to approve the project as recommended by staff passed 7-0-0.*

## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- 1) Responding to statements made or questions posed by members of the public; or

*Two members from the Fiesta Lanes Action Group (FLAG) spoke on the fence line issue related to the "Fiesta Lanes" housing project. They commented that the PD process is flawed and that it needs to be looked into.*

- 2) Requesting staff to report back on a matter at a subsequent meeting; or

*The Planning Commission requested that staff report back to them at a later meeting on the following:*

1. *The issue related to the South Hall and conformance with the Conditional Use Permit approved for it.*
2. *The Fiesta Lanes item brought to their attention.*

*Current Policy related to Stormwater and Treatment and Detention.*

- 3) Directing staff to place the item on a future agenda.

*None.*

## **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

## **7. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' Report from Committees:
  - 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).  
*None.*
  - 2) Parks Funding Subcommittee (Zito).  
*None.*
  - 3) Envision San José 2040 General Plan Update Process (Kamkar).  
*Commissioner Kamkar indicated that the Task Force met last week and talked about Water Availability.*
- c. Review of synopsis for 04/21/08.  
*Approved 5-0-2 (Campos and Zito abstained) with minor corrections to the synopsis.*
- d. Consider Study Session dates and/or topics.

Discuss Study Session Date/Coordination with Historic Landmarks Commission for 'Economic Benefits of Preservation of Historic Neighborhoods'

*Staff will bring back possible dates at future meeting after coordinating with Historic staff as to availability.*

*The Commission requested a study session to address two additional issues including how public outreach is undertaken, specifically the noticing of meetings and hearings, and how the application and review process is carried out on a typical project, specifically the Planned Development process.*

## **8. ADJOURNMENT**

## **2008 PLANNING COMMISSION MEETING SCHEDULE**

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review &amp; Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing &amp; Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-1654
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.